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By: **The Speaker and the Minority Leader (By Request - Administration)**  
**and Delegates Edwards, Aumann, Bartlett, Bates, Benson, Boschert,**  
**Burns, Cardin, Conroy, Cryor, C. Davis, DeBoy, Dumais, Eckardt, Elliott,**  
**Elmore, Feldman, Frank, Gilleland, Goldwater, Heller, Hixson, Hogan,**  
**Hubbard, Hurson, Jones, Kelly, King, Krebs, Lee, Leopold, Love,**  
**Madaleno, Mandel, McComas, McIntosh, McKee, Menes, Miller,**  
**Montgomery, Morhaim, Murray, Niemann, Oaks, O'Donnell, Owings,**  
**Parker, Pendergrass, Petzold, Rosenberg, Shank, Simmons, Smigiel,**  
**Sophocleus, Sossi, Stern, Stocksdale, Stull, Taylor, F. Turner, Walkup,**  
**Weldon, and Wood**

Introduced and read first time: January 27, 2004  
Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Department of Disabilities**

3 FOR the purpose of creating the Department of Disabilities as a principal  
4 department of State government; providing for the qualifications, appointment,  
5 powers, duties, and salary of the Secretary of Disabilities; organizing the  
6 Maryland Advisory Commission on Disability Policy and the Disability  
7 Implementation Board under the Department; providing for the staffing,  
8 administration, and duties of the Maryland Advisory Commission on Disability  
9 Policy and the Disability Implementation Board; requiring the Department to  
10 report to the Governor on or before a certain date; abolishing the Office for  
11 Individuals with Disabilities; specifying that the publisher of the Annotated  
12 Code of Maryland, in consultation with the Department of Legislative Services,  
13 shall correct agency names and titles in the Code to conform to the changes that  
14 are made by this Act; defining certain terms; and generally relating to the  
15 Department of Disabilities.

16 BY repealing  
17 Article - State Government  
18 Section 9-1101 through 9-1110, inclusive, and the subtitle "Subtitle 11. Services  
19 to Individuals with Disabilities"  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2003 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article - State Government

1 Section 8-201  
 2 Annotated Code of Maryland  
 3 (1999 Replacement Volume and 2003 Supplement)

4 BY adding to  
 5 Article - State Government  
 6 Section 9-1101 through 9-1116, inclusive, and the subtitle "Subtitle 11.  
 7 Department of Disabilities"  
 8 Annotated Code of Maryland  
 9 (1999 Replacement Volume and 2003 Supplement)

10 Preamble

11 WHEREAS, Individuals with disabilities should be empowered to achieve their  
 12 personal and professional goals in the communities where they live; and

13 WHEREAS, Individuals with disabilities can live independent, productive, and  
 14 full lives in their communities when provided with the right support, training, and  
 15 opportunities; and

16 WHEREAS, It is desirable to infuse service delivery systems with elevated  
 17 expectations about the capacities of people with disabilities; and

18 WHEREAS, It is desirable to increase the capacity of Maryland communities to  
 19 provide services and support in inclusive settings; and

20 WHEREAS, It is desirable to create accessible and universally designed  
 21 communities and technology, which promote the independence and participation of  
 22 people with disabilities; and

23 WHEREAS, It is the intent of the State of Maryland to construct a seamless,  
 24 responsive, and coordinated service delivery system in which consumers can exercise  
 25 meaningful choices and maintain control over their lives; now, therefore,

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 27 MARYLAND, That Section(s) 9-1101 through 9-1110, inclusive, and the subtitle  
 28 "Subtitle 11. Services to Individuals with Disabilities" of Article - State Government  
 29 of the Annotated Code of Maryland be repealed.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 31 read as follows:

32 **Article - State Government**

33 8-201.

34 (a) The Executive Branch of the State government shall have not more than  
 35 21 principal departments, each of which shall embrace a broad, functional area of that  
 36 Branch.

1 (b) The principal departments of the Executive Branch of the State  
2 government are:

- 3 (1) Aging;
- 4 (2) Agriculture;
- 5 (3) Budget and Management;
- 6 (4) Business and Economic Development;
- 7 (5) DISABILITIES;
- 8 [(5)] (6) the Environment;
- 9 [(6)] (7) General Services;
- 10 [(7)] (8) Health and Mental Hygiene;
- 11 [(8)] (9) Housing and Community Development;
- 12 [(9)] (10) Human Resources;
- 13 [(10)] (11) Juvenile Services;
- 14 [(11)] (12) Labor, Licensing, and Regulation;
- 15 [(12)] (13) Natural Resources;
- 16 [(13)] (14) Planning;
- 17 [(14)] (15) Public Safety and Correctional Services;
- 18 [(15)] (16) State Police;
- 19 [(16)] (17) Transportation; and
- 20 [(17)] (18) Veterans Affairs.

21 SUBTITLE 11. DEPARTMENT OF DISABILITIES.

22 9-1101.

23 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

25 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF DISABILITIES.

26 (C) "DISABILITY" HAS THE MEANING STATED IN THE FEDERAL AMERICANS  
27 WITH DISABILITIES ACT OF 1990, 42 U.S.C. § 12102.

28 (D) "SECRETARY" MEANS THE SECRETARY OF DISABILITIES.

1 (E) "UNIT OF STATE GOVERNMENT" MEANS ANY DEPARTMENT, AGENCY,  
2 OFFICE, COMMISSION, COUNCIL, OR OTHER UNIT OF THE STATE WITHIN THE  
3 EXECUTIVE BRANCH OF STATE GOVERNMENT.

4 9-1102.

5 (A) THERE IS A DEPARTMENT OF DISABILITIES, ESTABLISHED AS A PRINCIPAL  
6 DEPARTMENT OF STATE GOVERNMENT.

7 (B) THE SECRETARY IS THE HEAD OF THE DEPARTMENT OF DISABILITIES AND  
8 SHALL:

9 (1) HAVE EXTENSIVE EXPERIENCE AND KNOWLEDGE OF DISABILITY  
10 LAWS, LEGISLATION, REGULATIONS, AND PROGRAMS FOR INDIVIDUALS WITH  
11 DISABILITIES;

12 (2) HOLD AT A MINIMUM A BACHELOR'S DEGREE;

13 (3) BE AN INDIVIDUAL WITH A DISABILITY OR APPOINT A DEPUTY  
14 SECRETARY WHO IS AN INDIVIDUAL WITH A DISABILITY; AND

15 (4) BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT  
16 OF THE SENATE.

17 (C) (1) THE SECRETARY SERVES AT THE PLEASURE OF THE GOVERNOR AND  
18 IS RESPONSIBLE DIRECTLY TO THE GOVERNOR. THE SECRETARY SHALL ADVISE THE  
19 GOVERNOR ON ALL MATTERS ASSIGNED TO THE DEPARTMENT AND IS RESPONSIBLE  
20 FOR CARRYING OUT THE GOVERNOR'S POLICIES ON THESE MATTERS.

21 (2) THE SECRETARY IS RESPONSIBLE FOR THE OPERATION OF THE  
22 DEPARTMENT AND SHALL ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE  
23 THE ORDERLY AND EFFICIENT OPERATION OF THE DEPARTMENT.

24 (3) SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, THE SECRETARY  
25 MAY ESTABLISH, REORGANIZE, OR ABOLISH AREAS OF RESPONSIBILITY IN THE  
26 DEPARTMENT AS NECESSARY TO FULFILL THE DUTIES ASSIGNED TO THE  
27 SECRETARY.

28 (4) THE SECRETARY IS ENTITLED TO THE SALARY PROVIDED IN THE  
29 STATE BUDGET.

30 9-1103.

31 (A) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY SHALL  
32 APPOINT A DEPUTY SECRETARY.

33 (2) THE DEPUTY SECRETARY:

34 (I) SERVES AT THE PLEASURE OF THE SECRETARY;

1 (II) IS ENTITLED TO THE SALARY PROVIDED IN THE STATE  
2 BUDGET;

3 (III) HAS THE DUTIES PROVIDED BY LAW OR DELEGATED BY THE  
4 SECRETARY; AND

5 (IV) SHALL BE AN INDIVIDUAL WITH A DISABILITY, IF THE  
6 SECRETARY IS NOT AN INDIVIDUAL WITH A DISABILITY.

7 (B) (1) IN ACCORDANCE WITH THE STATE BUDGET, THE SECRETARY MAY  
8 EMPLOY A STAFF.

9 (2) UNLESS OTHERWISE PROVIDED BY LAW, THE SECRETARY SHALL  
10 APPOINT AND REMOVE ALL OTHER STAFF IN ACCORDANCE WITH THE PROVISIONS  
11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

12 (3) THE SECRETARY MAY REVIEW ANY PERSONNEL ACTION TAKEN BY  
13 ANY UNIT IN THE DEPARTMENT.

14 9-1104.

15 (A) THE SECRETARY IS RESPONSIBLE FOR THE BUDGET OF THE  
16 DEPARTMENT.

17 (B) (1) THE SECRETARY MAY ADOPT RULES AND REGULATIONS NECESSARY  
18 TO CARRY OUT THE PROVISIONS OF LAW THAT ARE WITHIN THE JURISDICTION OF  
19 THE SECRETARY.

20 (2) THE SECRETARY SHALL ADOPT REGULATIONS FOR THE  
21 DEPARTMENT AND ITS UNITS.

22 (C) (1) THE SECRETARY SHALL REVIEW NEW OR PROPOSED CHANGES TO  
23 REGULATIONS SUBMITTED BY A UNIT OF STATE GOVERNMENT THAT RELATE TO THE  
24 PROVISION OF RESOURCES AND SERVICES TO INDIVIDUALS WITH DISABILITIES  
25 PRIOR TO PUBLIC NOTIFICATION.

26 (2) THE REGULATIONS SHALL INCLUDE AN ASSESSMENT THAT  
27 DESCRIBES THE IMPACT OF THE PROPOSED REGULATIONS ON INDIVIDUALS WITH  
28 DISABILITIES.

29 (D) (1) THE SECRETARY SHALL REVIEW, COORDINATE, AND CONCUR WITH  
30 APPLICATIONS FOR FEDERAL AID, WAIVERS, OR GRANTS SUBMITTED BY OR  
31 THROUGH ANY UNITS OF STATE GOVERNMENT WHEN THE APPLICATIONS ARE  
32 SPECIFIC TO DISABILITY SERVICES.

33 (2) EXCEPT AS OTHERWISE PROHIBITED BY LAW, THE SECRETARY MAY  
34 APPLY FOR, RECEIVE, AND USE GRANTS-IN-AID, FUNDS, OR SERVICES FROM THE  
35 FEDERAL GOVERNMENT OR ANY OF ITS AGENCIES, OR ANY PUBLIC OR PRIVATE  
36 SOURCE MADE AVAILABLE TO THE DEPARTMENT FOR USE IN CARRYING OUT THE  
37 POWERS AND DUTIES OF THE SECRETARY OR THE DEPARTMENT.

1 (E) THE SECRETARY MAY CREATE CITIZENS' ADVISORY BODIES THAT THE  
2 SECRETARY CONSIDERS NECESSARY FOR THE EFFECTIVE OPERATION OF THE  
3 DEPARTMENT.

4 (F) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE SECRETARY SHALL PAY  
5 ALL MONEY COLLECTED BY THE DEPARTMENT UNDER THIS TITLE INTO THE  
6 GENERAL FUND OF THE STATE.

7 9-1105.

8 (A) THE ATTORNEY GENERAL IS THE LEGAL ADVISOR TO THE DEPARTMENT.

9 (B) THE ATTORNEY GENERAL SHALL ASSIGN TO THE DEPARTMENT THE  
10 NUMBER OF ASSISTANT ATTORNEYS GENERAL AUTHORIZED BY LAW TO BE  
11 ASSIGNED TO THE DEPARTMENT.

12 (C) (1) THE ATTORNEY GENERAL SHALL DESIGNATE ONE OF THE  
13 ASSISTANT ATTORNEYS GENERAL ASSIGNED TO THE DEPARTMENT AS COUNSEL TO  
14 THE DEPARTMENT AND MAY NOT REASSIGN THAT INDIVIDUAL WITHOUT  
15 CONSULTING WITH THE SECRETARY.

16 (2) THE COUNSEL TO THE DEPARTMENT SHALL HAVE ONLY THE  
17 FOLLOWING DUTIES:

18 (I) TO GIVE THE LEGAL AID, ADVICE, AND COUNSEL REQUIRED BY  
19 THE SECRETARY AND ANY OTHER OFFICIAL OF THE DEPARTMENT;

20 (II) TO SUPERVISE THE OTHER ASSISTANT ATTORNEYS GENERAL  
21 ASSIGNED TO THE DEPARTMENT; AND

22 (III) TO PERFORM FOR THE DEPARTMENT THE DUTIES THAT THE  
23 ATTORNEY GENERAL ASSIGNS.

24 (3) THE COUNSEL SHALL PERFORM THE DUTIES UNDER PARAGRAPH (2)  
25 OF THIS SUBSECTION, SUBJECT TO THE CONTROL AND SUPERVISION OF THE  
26 ATTORNEY GENERAL.

27 9-1106.

28 (A) THE DEPARTMENT IS THE PRINCIPAL STAFF AGENCY RESPONSIBLE FOR  
29 DEVELOPING, MAINTAINING, REVISING, AND ENFORCING STATEWIDE DISABILITY  
30 POLICIES AND STANDARDS THROUGHOUT THE UNITS OF STATE GOVERNMENT.

31 (B) IN THIS CAPACITY, THE DEPARTMENT SHALL:

32 (1) SERVE AS THE PRINCIPAL ADVISOR TO THE GOVERNOR ON THE  
33 MEANS AND METHODS AVAILABLE TO:

34 (I) IMPLEMENT AND FUND SUPPORT TO INDIVIDUALS WITH  
35 DISABILITIES IN ACCORDANCE WITH THE STATE DISABILITY IMPLEMENTATION  
36 PLAN;

1 (II) MODIFY OR CONSOLIDATE SUPPORT TO INDIVIDUALS WITH  
2 DISABILITIES; AND

3 (III) COLLABORATE WITH FEDERAL, REGIONAL, AND LOCAL UNITS  
4 OF GOVERNMENT TO ENHANCE THE EFFECTIVENESS OF THE PROVISION AND  
5 FUNDING OF SUPPORT TO INDIVIDUALS WITH DISABILITIES;

6 (2) DEVELOP A STATE DISABILITY IMPLEMENTATION PLAN IN  
7 ACCORDANCE WITH § 9-1108 OF THIS SUBTITLE;

8 (3) ANNUALLY RECOMMEND TO THE DEPARTMENT OF BUDGET AND  
9 MANAGEMENT CAPITAL BUDGET PROJECTS, FOR INCLUSION IN THE CAPITAL  
10 BUDGET, TO PROMOTE ACCESS TO STATE-OWNED FACILITIES FOR INDIVIDUALS  
11 WITH DISABILITIES;

12 (4) ASSIST UNITS OF STATE GOVERNMENT TO IDENTIFY FEDERAL,  
13 STATE, LOCAL, AND PRIVATE FUNDS AVAILABLE TO THE STATE FOR PROGRAMS AND  
14 SERVICES FOR INDIVIDUALS WITH DISABILITIES; AND

15 (5) PROVIDE TECHNICAL ASSISTANCE TO LOCAL JURISDICTIONS IN  
16 PLANNING AND IMPLEMENTING COLLABORATIVE STRATEGIES CONSISTENT WITH  
17 THE STATE IMPLEMENTATION PLAN.

18 (C) AT THE REQUEST OF THE SECRETARY, EACH UNIT OF STATE  
19 GOVERNMENT SHALL PROVIDE INFORMATION REGARDING PROGRAMS AND  
20 SERVICES FOR INDIVIDUALS WITH DISABILITIES TO THE SECRETARY, UNLESS  
21 OTHERWISE PROHIBITED BY LAW.

22 9-1107.

23 (A) (1) BY JULY 1 OF EACH YEAR, EACH UNIT OF STATE GOVERNMENT  
24 SHALL DEVELOP A UNIT PLAN TO IMPLEMENT THE STATEWIDE DISABILITY  
25 IMPLEMENTATION PLAN ESTABLISHED UNDER § 9-1108 OF THIS SUBTITLE.

26 (2) THE UNIT PLAN SHALL CONTAIN AN IMPLEMENTATION SCHEDULE  
27 AND STRATEGIC PERFORMANCE OBJECTIVES.

28 (B) EACH UNIT OF STATE GOVERNMENT SHALL PROVIDE THE DEPARTMENT  
29 WITH AN EVALUATION OF THE UNIT'S PERFORMANCE UNDER SUBSECTION (A) OF  
30 THIS SECTION BY JULY 1 OF EACH YEAR.

31 (C) THE EVALUATION REQUIRED BY SUBSECTION (B) OF THIS SECTION SHALL:

32 (1) ASSESS THE UNIT'S PERFORMANCE AGAINST THE STRATEGIC  
33 PERFORMANCE OBJECTIVES ESTABLISHED UNDER PARAGRAPH (2) OF THIS  
34 SUBSECTION; AND

35 (2) IDENTIFY AND MEASURE:

36 (I) CONSUMER SATISFACTION;

- 1 (II) GAPS IN SERVICES;
- 2 (III) NUMBERS OF INDIVIDUALS WAITING FOR SERVICES; AND
- 3 (IV) PROGRESS MADE ON ACHIEVING PERFORMANCE OBJECTIVES.

4 (D) THE SECRETARY MAY PROVIDE TECHNICAL ASSISTANCE TO ANY UNIT OF  
5 STATE GOVERNMENT TO MEET THE REQUIREMENTS OF THIS SECTION.

6 (E) THE SECRETARY MAY WAIVE THE REQUIREMENTS OF THIS SECTION FOR  
7 ANY UNIT OF STATE GOVERNMENT.

8 9-1108.

9 (A) THE SECRETARY SHALL DEVELOP A STATE DISABILITY IMPLEMENTATION  
10 PLAN.

11 (B) THE STATE DISABILITY IMPLEMENTATION PLAN SHALL INCLUDE THE  
12 PROVISION OF SUPPORT SERVICES THAT:

13 (1) ASSURE COMPLIANCE WITH THE AMERICANS WITH DISABILITIES  
14 ACT AND OTHER RELEVANT FEDERAL AND STATE PROVISIONS INTENDED TO  
15 PROTECT THE CIVIL RIGHTS OF INDIVIDUALS WITH DISABILITIES;

16 (2) ARE NECESSARY FOR AN INDIVIDUAL WITH A DISABILITY TO  
17 ACHIEVE MAXIMUM PARTICIPATION IN THE MAINSTREAM IN THE MOST INTEGRATED  
18 SETTING POSSIBLE; AND

19 (3) ADDRESS, ON A STATEWIDE BASIS, THE IMPROVEMENT OF:

20 (I) THE CAPACITY OF COMMUNITIES TO SUPPORT INDIVIDUALS  
21 WITH DISABILITIES WITH PERSONAL ATTENDANT CARE AND OTHER LONG-TERM  
22 CARE OPTIONS THAT ARE SELF-DIRECTED;

23 (II) THE AVAILABILITY OF ACCESSIBLE, INTEGRATED, AND  
24 AFFORDABLE HOUSING OPTIONS;

25 (III) RELIABLE TRANSPORTATION OPTIONS;

26 (IV) EMPLOYMENT AND TRAINING OPTIONS, INCLUDING  
27 NONCONGREGANT, COMPETITIVE OPPORTUNITIES AND SELF-EMPLOYMENT;

28 (V) SOMATIC AND MENTAL HEALTH OPTIONS;

29 (VI) ACCESSIBLE AND UNIVERSALLY DESIGNED TECHNOLOGY;

30 (VII) SUPPORT SERVICES FOR CHILDREN, YOUTH, AND THEIR  
31 FAMILIES TO ENABLE THEM TO ACHIEVE SUCCESSFUL LEARNING; AND

32 (VIII) FAMILY SUPPORT SERVICES, INCLUDING RESPITE CARE.

1 (C) THE STATE DISABILITY IMPLEMENTATION PLAN SHALL ASSESS THE  
2 PROVISION OF AND RESOURCES FOR SUPPORT SERVICES FOR PEOPLE WITH  
3 DISABILITIES.

4 (D) THE SECRETARY SHALL SUBMIT AN ANNUAL ANALYSIS OF THE STATE  
5 DISABILITY IMPLEMENTATION PLAN AND RELATED PERFORMANCE OBJECTIVES TO  
6 THE GOVERNOR BY OCTOBER 1 OF EACH YEAR.

7 9-1109.

8 THERE IS A MARYLAND ADVISORY COMMISSION ON DISABILITY POLICY.

9 9-1110.

10 (A) THE COMMISSION CONSISTS OF:

11 (1) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

12 (I) ONE INDIVIDUAL WITH A PHYSICAL DISABILITY;

13 (II) ONE INDIVIDUAL WHO HAS EXPERIENCED MENTAL ILLNESS;

14 (III) ONE INDIVIDUAL WITH AN INTELLECTUAL DISABILITY;

15 (IV) ONE INDIVIDUAL WHO IS BLIND;

16 (V) ONE INDIVIDUAL WHO IS DEAF OR HARD OF HEARING;

17 (VI) ONE PARENT OR FOSTER PARENT OF A CHILD WITH A  
18 DISABILITY;

19 (VII) FOUR MEMBERS OF THE GENERAL PUBLIC WHO HAVE  
20 DISABILITIES;

21 (VIII) THREE REPRESENTATIVES FROM STATEWIDE DISABILITY  
22 ADVOCACY ORGANIZATIONS;

23 (IX) ONE REPRESENTATIVE FROM A STATEWIDE ORGANIZATION OF  
24 PROVIDERS OF SERVICES AND SUPPORT FOR INDIVIDUALS WITH DISABILITIES; AND

25 (X) ONE REPRESENTATIVE FROM THE ALLIANCE OF LOCAL  
26 COMMISSIONS ON DISABILITY;

27 (2) TWO REPRESENTATIVES FROM THE STATE DISABILITY  
28 IMPLEMENTATION BOARD SELECTED BY THE SECRETARY, ONE OF WHOM  
29 REPRESENTS THE DEPARTMENT OF BUDGET AND MANAGEMENT;

30 (3) ONE REPRESENTATIVE FROM THE SENATE OF MARYLAND,  
31 APPOINTED BY THE PRESIDENT OF THE SENATE; AND

1 (4) ONE REPRESENTATIVE FROM THE MARYLAND HOUSE OF  
2 DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

3 (B) IN MAKING THE APPOINTMENTS REQUIRED UNDER THIS SECTION, THE  
4 GOVERNOR SHALL APPOINT MEMBERS FROM AMONG:

5 (1) THE GEOGRAPHIC REGIONS OF THE STATE; AND

6 (2) DIVERSE BACKGROUNDS.

7 (C) A MAJORITY OF THE MEMBERSHIP SHALL BE INDIVIDUALS WITH  
8 DISABILITIES.

9 (D) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

10 (2) THE TERMS OF THE MEMBERS APPOINTED BY THE GOVERNOR  
11 SHALL BE STAGGERED FROM THE INITIAL APPOINTMENT.

12 (E) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
13 SUCCESSOR IS APPOINTED AND QUALIFIES.

14 (F) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SHALL SERVE  
15 FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
16 QUALIFIES.

17 (G) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN TWO 3-YEAR  
18 TERMS CONSECUTIVELY.

19 (H) ANY MEMBER WHO FAILS TO ATTEND AT LEAST 50% OF THE REGULARLY  
20 SCHEDULED MEETINGS DURING ANY 12-MONTH PERIOD SHALL BE CONSIDERED TO  
21 HAVE RESIGNED.

22 (I) FROM AMONG THE MEMBERS OF THE COMMISSION, THE GOVERNOR  
23 SHALL DESIGNATE A CHAIRMAN FOR A 2-YEAR TERM.

24 9-1111.

25 (A) A MEMBER OF THE COMMISSION:

26 (1) MAY NOT RECEIVE COMPENSATION; BUT

27 (2) IF THE SECRETARY APPROVES, IS ENTITLED TO REIMBURSEMENT  
28 FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED  
29 IN THE STATE BUDGET.

30 (B) THE DEPARTMENT SHALL PROVIDE STAFF TO THE COMMISSION AS  
31 NECESSARY.

1 9-1112.

2 MEMBERS OF THE COMMISSION SHALL:

- 3 (1) ADVISE THE DEPARTMENT IN CARRYING OUT ITS DUTIES;
- 4 (2) MEET TWICE A YEAR IN MEETINGS OPEN TO THE PUBLIC; AND
- 5 (3) SERVE ON SUBCOMMITTEES ESTABLISHED BY THE SECRETARY TO
- 6 CARRY OUT THE MISSION OF THE DEPARTMENT.

7 9-1113.

8 (A) THERE IS A DISABILITY IMPLEMENTATION BOARD WITHIN THE

9 DEPARTMENT CONVENED BY THE GOVERNOR.

10 (B) THE PURPOSE OF THE BOARD IS TO DEVELOP AND CARRY OUT THE STATE

11 DISABILITY IMPLEMENTATION PLAN.

12 9-1114.

13 (A) THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS:

14 (1) THE SECRETARY OF DISABILITIES, WHO SHALL SERVE AS CHAIRMAN

15 OF THE BOARD;

16 (2) THE SECRETARY OF AGING, OR THE SECRETARY'S DESIGNEE;

17 (3) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE

18 SECRETARY'S DESIGNEE;

19 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE

20 SECRETARY'S DESIGNEE;

21 (5) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR

22 THE SECRETARY'S DESIGNEE;

23 (6) THE SECRETARY OF HUMAN RESOURCES, OR THE SECRETARY'S

24 DESIGNEE;

25 (7) THE SECRETARY OF LABOR, LICENSING AND REGULATION, OR THE

26 SECRETARY'S DESIGNEE;

27 (8) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;

28 (9) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE

29 SUPERINTENDENT'S DESIGNEE;

30 (10) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S

31 DESIGNEE;

1 (11) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH AND FAMILIES, OR  
2 THE SPECIAL SECRETARY'S DESIGNEE;

3 (12) THE DIRECTOR OF THE GOVERNOR'S OFFICE OF THE DEAF AND  
4 HARD OF HEARING, OR THE DIRECTOR'S DESIGNEE; AND

5 (13) REPRESENTATIVES FROM ANY OTHER UNIT OF STATE GOVERNMENT  
6 AS THE GOVERNOR MAY DESIGNATE.

7 (B) THE DEPARTMENT SHALL PROVIDE STAFF TO THE BOARD AS NECESSARY.  
8 9-1115.

9 (A) THE SECRETARY SHALL DIRECT THE WORK OF THE BOARD AND IS  
10 CHARGED WITH OVERSIGHT, DIRECTION, AND ACCOUNTABILITY TO:

11 (1) PROVIDE ONGOING EXAMINATION OF THE STRUCTURE AND  
12 ORGANIZATION OF THE STATE'S SYSTEM OF SERVICES AND SUPPORT TO  
13 INDIVIDUALS WITH DISABILITIES TO ENSURE EQUAL ACCESS TO SUPPORT SERVICES  
14 AND RESOURCES BY INDIVIDUALS WITH DISABILITIES;

15 (2) FACILITATE THE DEVELOPMENT OF PERFORMANCE OBJECTIVES  
16 THAT WILL RESULT IN A COMPREHENSIVE, EFFECTIVE, EFFICIENT, AND  
17 INTEGRATED SERVICE DELIVERY SYSTEM FOR INDIVIDUALS WITH DISABILITIES;

18 (3) DEVELOP AND IMPLEMENT AN INTERAGENCY FUNDING APPROACH  
19 TO MAXIMIZE EFFICIENCIES AND STREAMLINE ACCESS TO SERVICES AND SUPPORT  
20 FOR INDIVIDUALS WITH DISABILITIES; AND

21 (4) FORMULATE POLICIES ON LEGISLATIVE ISSUES AND, UNDER THE  
22 DIRECTION OF THE GOVERNOR, COMMUNICATE THE POLICIES TO THE GENERAL  
23 ASSEMBLY.

24 (B) THE SECRETARY MAY ESTABLISH SUBCOMMITTEES TO CARRY OUT THE  
25 RESPONSIBILITIES UNDER THIS SECTION.

26 9-1116.

27 THE DEPARTMENT SHALL OVERSEE AND ADMINISTER THE FOLLOWING  
28 PROGRAMS:

29 (1) CONSTITUENT SERVICES AND OMBUDSMEN PROGRAMS; AND

30 (2) THE ASSISTIVE TECHNOLOGY GUARANTEED LOAN PROGRAM UNDER  
31 ARTICLE 41, TITLE 14, SUBTITLE 9 OF THE CODE.

32 SECTION 3. AND BE IT FURTHER ENACTED, That all employees of the  
33 Governor's Office for Individuals with Disabilities whose positions are transferred to  
34 the Department of Disabilities by this Act shall be so transferred on the effective date  
35 of this Act without any diminution of their rights, benefits, or employment and  
36 retirement status.

1 SECTION 4. AND BE IT FURTHER ENACTED, That except as otherwise  
2 provided by law, all existing laws, rules and regulations, proposed rules and  
3 regulations, standards and guidelines, policies, orders and other directives, forms,  
4 plans, memberships, contracts, property, investigations, administrative and judicial  
5 responsibilities, rights to sue and be sued, and all other duties and responsibilities  
6 associated with the functions of the Governor's Office for Individuals with Disabilities  
7 prior to the effective date of this Act shall continue in effect under the Department of  
8 Disabilities until completed, withdrawn, canceled, modified, or otherwise changed  
9 pursuant to law.

10 SECTION 5. AND BE IT FURTHER ENACTED, That all contracts,  
11 agreements, grants, or other obligations entered into by the Governor's Office for  
12 Individuals with Disabilities prior to July 1, 2004, are hereby declared to be valid,  
13 legal, and binding obligations of the Department of Disabilities, enforceable in  
14 accordance with their terms.

15 SECTION 6. AND BE IT FURTHER ENACTED, That the publishers of the  
16 Annotated Code of Maryland, subject to the approval of the Department of Legislative  
17 Services, shall propose the correction of any agency names and titles throughout the  
18 Annotated Code that are rendered incorrect by this Act and any necessary corrections  
19 shall be satisfied by passage of the Annual Corrective Bill of 2005.

20 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 July 1, 2004.